

Application No. 09/522,727
Restriction Requirement dated August 4, 2003
Response to Office Action mailed June 3, 2003.

REMARKS

Applicants have previously elected Group I (directed to claims 1-5 and 7-12) in response to the first Restriction Requirement. In response to the second Restriction Requirement, Applicants elected Species G, a component of the pathway involving MHC Class I, and subspecies i) MHC Class I α chain, with traverse, on the grounds that examining all of the target molecules at the same time does not present an undue burden in these claims. The Examiner has issued the instant third restriction requirement in response to the Amendment filed January 27, 2003, in which new claims 13 – 17 were added to more particularly claim the elected invention and did not expand its scope.

In response to the third Restriction Requirement, for the specific undesired immune associated reaction, applicants elect Species A, tissue transplantation, with traverse. For the cell transduced by the method of the present invention, applicants elect Species A, an antigen presenting cell with traverse.

Applicants respectfully traverse the Restriction Requirement. Applicants note that the addition of claims 13 – 17 did not expand the subject matter being considered, but were directed to preferred embodiments within that subject matter. Thus, the search done should have looked at using the invention in the particular treatment areas and with a range of cells including these. The present invention is directed to using intrabodies to inhibit undesired immune reactions, including the types specifically claimed. And it will depend upon the particular immune reaction one wants to inhibit as to what target cell is chosen. Accordingly, being forced to choose between APC's and B cells is not logically justified because in many instances neither cell type will be used.

Additionally, tissue transplantation and bone marrow transplantation are not properly distinguishable species because the latter is merely a subtype of the former. Thus, they are not two separate groups. Accordingly, applicants traverse this restriction requirement.

Applicants are also submitting herewith an executed copy of the amended declaration, previously filed with the Amendment of January 27, 2003.

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In view of the foregoing, applicant respectfully submits that all claims are in condition for allowance. Early and favorable action is requested.

In the event that any additional fees are required, the PTO is authorized to charge our deposit account No. 50-0850.

Respectfully submitted,

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